

REMARKS

The above amendments are made in response to the outstanding Final Office Action dated January 06, 2011. The Examiner's reconsideration is respectfully requested in view of the above amendments and the following remarks.

Claims 1, 8, 9, 10 and 15 have been amended to more clearly define the claimed invention. No new matter has been introduced by these amendments.

Claims 1-15 are pending for re-consideration by the Examiner upon entry of the present Response.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Chang et al. (U.S. Patent No. 6,387,566; hereinafter, "Chang").

To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988). "[a] claim is anticipated only if **each and every element as set forth in the claim** is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in **as complete detail as is contained** in the ...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (Emphasis added)

"An anticipatory reference must show all of the limitations of the claims **arranged or combined in the same way as recited in the claims**, not merely in a particular order." "Thus, it is not enough that the prior art reference discloses part of the claimed invention, which an ordinary artisan might supplement to make the whole, or ..." *Net NoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 88 USPQ2d 1751 (Fed. Cir. 2008) (Emphasis added)

In response, Applicants have amended Claims 1, 8, 9, 10 and 15 to more clearly define the claimed invention. These amendments are fully supported by the disclosure as originally filed, e.g., Figs. 2, 9, 12 and 13 of this application.

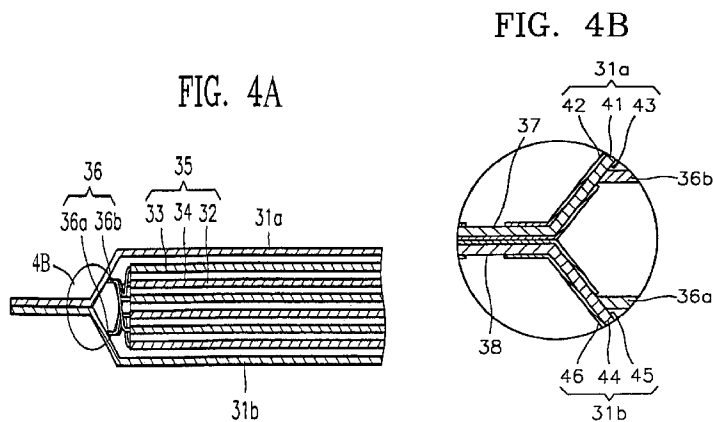
Claims 1, 8-10 and 15 are independent claims. Claims 2-7 are directly or indirectly dependent from Claim 1. Claims 11-14 are directly dependent from Claim 10.

Claims, 1, 8, 9, 10 and 15 include, *inter alia*, the following limitation:

the positive terminal and the negative terminal are extended outside of the battery package in a same direction

As above, the claimed invention is configured such that the positive terminal and the negative terminal are extended outside of the battery package in a same direction, as clearly shown in Figs. 2, 9, 12 and 13 of this application.

However, Chang does not disclose any electrode terminals **extended outside of the battery package (or case)**. As illustrated in Figs. 4A and 4B of Chang, exposed portions 37 and 38 of the aluminum layer 41 and 44 serve battery terminals. That is, as shown in Fig. 4B of Chang, part of the outer insulating material 42 and 46 is removed to expose part of the aluminum layer 41 and 44 to thereby form the exposed portions 37 and 38, which serve battery terminals. (See lines 46-65 on column 2 of Chang)



Further, in Chang, the electrode terminals are formed by removing a predetermined area on the outer surface of the upper case body and the lower case body, respectively. Thus, one electrode terminal is opened upward, and the other electrode terminal is be opened downward, i.e., the electrode terminals of Chang could not be extended in a same direction.

In contrast, the claimed positive and negative terminals are extended outside of the battery package in a same direction, as recited in the amended Claims 1, 8-10 and 15.

In view of the above discussions, Applicants respectfully submit that Chang fails to show *each and every limitations* of the claims *in the same way as arranged or combined as recited in the claims*, and thus the claimed invention is not anticipated by Chang.

Claims 2-7 and Claims 11-14 are also believed not anticipated by Chang, by virtue of their direct or indirect dependency from Claims 1 and 10 respectively.

Applicants respectfully request the Examiner to review the above submissions and withdraw the rejection of Claims 1-15 under 35 U.S.C. § 102(b).

Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Reconsideration and subsequent allowance of this application are courteously requested.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

The Examiner is invited to contact Applicants' Attorneys at the below-listed telephone number with any questions or comments regarding this Response or otherwise concerning the present application.

Respectfully submitted,

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